



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,815	11/28/2000	Alexandre N. Terentiev	642-001	8209

1009            7590            06/05/2002

KING & SCHICKLI, PLLC  
247 NORTH BROADWAY  
LEXINGTON, KY 40507

EXAMINER
----------

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
----------	--------------

1723  
DATE MAILED: 06/05/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

MFI

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/724,815	TERENTIEV, ALEXANDRE N.
	Examiner Tony G Soohoo	Art Unit 1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-8, 10-28, 39, 40, 42-85, 94-97, 111-117 and 123-160 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_ is/are allowed.
  - 6) Claim(s) \_\_\_\_ is/are rejected.
  - 7) Claim(s) \_\_\_\_ is/are objected to.
  - 8) Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1-8,10-28,39-40,42-85,94-97,111-117,123-160

**DETAILED ACTION**

1. Applicant's amendment to the claims 1, 6, 7,8, 10, 12-14, 21-22, 23-25, 39, 42-47, 50, 52, 54-55, 59-61, 63-64, 66-67, 70, 73, 77-78, 80, 82-83, 94, 96, 111-117, 123-124, and the addition of additional claims 125-160 has necessitated a full review of the restriction requirement made on 8/21/01. The restriction of 8/21/01 is hereby withdrawn and a new restriction requirement is made upon the now pending claims 1-8,10-28,39-40,42-85,94-97,111-117,123-160

2. **CLEARIFICATION IS NEEDED IN THE CANCELLATION OF CLAIMS 37 and 38, ONLY claims 29-36 has been new cancelled as indicated on page 7 of the amendment of 8/21/01, however on page 38 of the marked up copy indicates that claims 29-38 is to be cancelled.**

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

The species are as follows:

Species a) figure 1;

Species b) figure 2;

Species c) figure 3;

Species d) figure 4a-4b;

Species e) figure 4c;

Species f) figure 5;

Species g) figure 6a-6b;

Species h) figure 7;

Species i) figure 8a-8c;

Species j) figure 9-9b;

Species k) figure 10;

Species l) figure 11;

Species m) figure 12a-12c;

Species n) figure 13

Species o) figure 14;

Species p) figure 14b

Species q) figure 15;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri.. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tony G Soohoo  
Primary Examiner  
Art Unit 1723

tgs